



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: KONGERSLEV1

|                              |   |                  |
|------------------------------|---|------------------|
| In re Application of:        | ) | Conf. No.: 6668  |
| Leif KONGERSLEV              | ) |                  |
|                              | ) | Washington, D.C. |
|                              | ) |                  |
| U.S. Appln. No.:             | ) |                  |
| 10/820,155                   | ) | July 23, 2004    |
|                              | ) |                  |
| For: TREATMENT OF SARS IN... | ) |                  |

**RESPONSE TO "SEQUENCE LISTING" REQUIREMENT**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop Sequence**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

This paper is filed in response to the Notification  
of Defective Response, mailed March 1, 2004.

1. Applicants hereby submit the following:
  - [X] a paper copy of a "Sequence Listing", complying  
with §1.821(c), to be incorporated into the  
specification as directed above;
  - [ ] an amendment to the paper copy of the "Sequence  
Listing" submitted on -----, the  
amendment being in the form of substitute  
sheets;
  - [X] the Sequence Listing in computer readable form,  
complying with §1.821(e) and §1.824, including,

if an amendment to the paper copy is submitted,  
all previously submitted data with the  
amendment incorporated therein;

- [ ] a substitute computer readable form to replace  
one found to be damaged or unreadable.
- [ ] The computer readable form in this application  
no. 09/... is identical with that filed on ....  
[date sequence was filed] in application no. 09/  
, filed [filing date]. In accordance with 37  
C.F.R. §1.821(e), please use the [first-filed,  
last-filed or only, whichever is applicable]  
computer readable form filed in that application  
as the computer readable form for the instant  
application. It is understood that the Patent  
and Trademark Office will make the necessary  
change in application number and filing date for  
the instant application. A paper copy of the  
Sequence Listing is [included in the originally-  
filed specification of the instant application,  
included in a separately filed preliminary  
amendment for incorporation into the  
specification, whichever is applicable].

2. The description has been amended to comply with  
§1.821(d).

3. The undersigned attorney or agent hereby states as follows:

- (a) this submission does not include new matter [§1.821(g)];
- (b) the contents of the paper copy (as amended, if applicable) and the computer readable form of the Sequence Listing, are the same [§1.821(f) and §1.825(b)];
- (c) if the paper copy has been amended, the amendment is supported by the specification and does not include new matter [§1.825(a)]; and
- (d) if the computer readable form submitted herewith is a substitute for a form found upon receipt by the PTO to be damaged or unreadable, that the substitute data is identical to that originally intended to be filed [§1.825(d)].

4. Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence

and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence). Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an intron-containing gene, or otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the

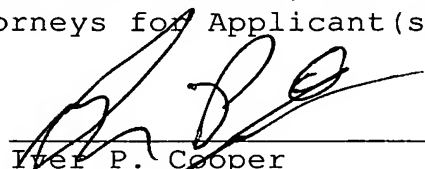
, Application No. 10/470,062

results of his or her sequence search against a database  
containing known natural sequences.

Respectfully submitted,

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